

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

M.E.B., a minor, by and through her)	
Next Friend and natural mother,)	
LOPA M. BLUMENTHAL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:20CV1295 RLW
)	
CREDIT CONTROL SERVICES, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for Approval of Minor Settlement. (ECF No. 20). Plaintiff states that she has settled her claims against Defendant Credit Collection Services for the amount of \$2,500.00. Plaintiff states that the \$2,500.00 settlement funds will be placed in a restricted account for the benefit of M.E.B., and that account will be accessible to M.E.B. when she reaches eighteen years of age. Plaintiff states that Next Friend Lopa Blumenthal will execute a release once the settlement is approved by the Court.

"Federal law looks to state law for the standard governing the approval of a minor settlement." *Elmore v. Mansfield*, No. 3:11-CV-5088-DGK, 2013 WL 2666167, at *1 (W.D. Mo. June 12, 2013) (citing *M.E. v. United States*, No. 4:05CV396-DJS, 2006 WL 1556794, at *1 (E.D. Mo. June 1, 2006) (using state law to determine whether the district court should approve a proposed minor settlement)). In this case, the Court looks to Missouri law.

Under Missouri law, a lawsuit by a person who is not yet eighteen years-old may be settled only by a duly-appointed representative such as a guardian, conservator, next friend, or guardian ad litem. *Elmore*, 2013 WL 2666167, at *1 (W.D. Mo. June 12, 2013) (citing Mo. Rev. Stat. §§

507.110, 507.115; *Y.W. v. Nat'l Super Mkts.*, 876 S.W.2d 785, 788 (Mo. Ct. App. 1994)). The statute regulating court approval of a minor settlement provides in relevant part that the court shall have the power to: (1) approve a proposed settlement of a minor's claim; (2) authorize the next friend to execute a release of the minor's claim; (3) approve a fee contract between the next friend and an attorney representing the minor; and (4) order the next friend to pay the attorney's fee and any reasonable expenses. *Elmore*, 2013 WL 2666167, at *2 (citing Mo. Rev. Stat. § 507.184).

Plaintiff has identified the amount of the settlement and indicated Next Friend Lopa Blumenthal's willingness to execute a release upon approval of the settlement. Plaintiff, however, has not addressed whether there is a fee contract between the next friend and the attorney representing the minor and the amount of the fee to be paid for attorney's fees and expenses. The Court, therefore, orders Plaintiff to provide a supplemental Motion for Approval of Minor Settlement no later than April 12, 2021.¹ The Court also sets this case for a Zoom videoconference for approval of the minor settlement on April 28, 2021 at 1:00 p.m.

Accordingly,


IT IS HEREBY ORDERED that Plaintiff shall file an amended Motion for Approval of Minor Settlement no later than **Monday, April 12, 2021**. Plaintiff's Amended Motion for Approval of Minor Settlement shall include the information regarding attorneys' fees and expenses outlined above.

IT IS FURTHER ORDERED that the Court will hold a zoom videoconference on Plaintiff's Motion for Approval of Minor Settlement on **Wednesday, April 28, 2021 at 1:00 p.m.** **Plaintiff's Next Friend and all parties will appear at the hearing by Zoom videoconference.** Hearing participants will receive a separate email with Zoom instructions. Members of the

¹ The Court recognizes the familial relationship between M.E.B. and Plaintiff's counsel and that there likely is not a fee arrangement. Plaintiff, however, must explicitly state if this is the case.

general public who wish to listen in to the hearing are directed to call the following number to participate by phone: 1-669-254-5252, Meeting ID: 161 838 3209. Non-case participants must remain muted throughout the entire proceedings. Pursuant to Local Rule 13.02, all means of photographing, recording, broadcasting, and televising are prohibited in any courtroom, and in areas adjacent to any courtroom, except when authorized by the presiding judge. This included proceedings ordered by the Court to be conducted by phone or video.

Dated this 5th day of April, 2021.


RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE